

**ST. REGIS MOHAWK TRIBAL COURT
ST. REGIS MOHAWK INDIAN RESERVATION**

Ann Cook)	
Plaintiff)	DECISION AND ORDER
)	
-V-)	Case No.: 13-CIV-00006
)	
Joseph Cook)	
Defendant)	

At this stage in the proceedings the matter before the Court requires us to address a motion for summary judgment made by the Plaintiff. Due to the nature of the request and the prominent fact that all land disputes are, under SRMT Law, final and 'un-appealable' once a decision has been rendered by SRMT Court, we have prepared this decision to provide guidance in this matter.¹

Procedural History

Plaintiff, Ms. Ann Cook filed a civil dispute in St. Regis Mohawk Tribal Court on August 19, 2013 requesting the eviction of Mr. Joseph Cook, Defendant, from a parcel of property that the Plaintiff claims she owns following the passing of her husband. On August 20, 2013 the Plaintiff, Ms. Ann Cook, provided a proof of service to the Court with respect to the summons and complaint that was served upon the Defendant, Mr. Joseph Cook.

On August 21, 2013 the Defendant, Mr. Joseph Cook filed what can be described as an answer/counterclaim. We use these terms as the Defendant's 'answer/counterclaim' is actually

¹ To date, it has been standard practice at SRMT Court to only render those decisions necessary for the resolution of each individual land dispute, those decisions becoming law of that particular case. Due to the nature of the motion involved in this case, and its potential effects on all cases before the Court, this decision has been prepared for publication.

on a Land Dispute Complaint Form.² This was filed with the St. Regis Mohawk Tribal Court on August 21, 2013. There was no proof of service that the Defendant's 'land dispute complaint form' was served upon the Plaintiff.

In and around September 20, 2013 the Plaintiff retained Attorney Lorraine White as legal counsel, and Attorney White filed a notice of appearance with the Court on September 20, 2013. Plaintiff's counsel, on behalf of the Plaintiff (Ms. Ann Cook), filed a motion for 'summary judgment' in this matter on October 25, 2013. The motion for summary judgment requests the Court to decide in favor of the Plaintiff and advance the eviction process against the Defendant, Mr. Joseph Cook. Counsel for Plaintiff submitted an affidavit of service for the notice of motion for summary judgment on October 25, 2013.

On December 17, 2013 the SRMT Court received a letter from Plaintiff's counsel advising the Court that the Plaintiff wishes to withdraw her motion for summary judgment. The Court notes that supporting this request was an 'administrator affidavit' which was neither signed nor notarized by the Plaintiff.

The only documents currently in the record before the Court are as follows:

- The twenty day civil summons served upon the Defendant, Mr. Joseph Cook;
- Proof of service for the twenty day summons and complaint served upon the Defendant, Mr. Joseph Cook;
- Land Dispute Complaint Form (answer) filed with the Court by Defendant, Mr. Joseph Cook;
- Notice of appearance by Ms. Lorraine White as counsel for Plaintiff, Ms. Ann Cook;

² This form is NOT one utilized by the SRMT Court and may have originated from the SRMT Land Dispute Tribunal.

- Notice of motion for summary judgment with affidavit of service by mail, attorneys affidavit, and exhibits A, B, and C filed with the Court by counsel for Plaintiff.
- Notice by Plaintiff's Counsel to withdraw motion for summary judgment, with the unsigned 'administrator affidavit'

In relation to other land dispute cases before the SRMT Court, the record in the case at bar is very meager.

In the Plaintiff's complaint it is alleged that she has ownership of a parcel of land that the Defendant, Mr. Joseph Cook, apparently resides upon. Plaintiff asserts that she came into ownership of this parcel of property after the passing of her husband. As provided in her original complaint: "I came to own this land when my husband passed away". *See, Plaintiff's Complaint Dated August 19, 2013.* Plaintiff also states in her original complaint, "The tribe issued me a deed to this property". *Id.* The Court notes that while this is the Plaintiff's claim, there is no Use and Occupancy Deed issued by the SRMT in the record before it. The relief requested by the Plaintiff in her complaint is for the Court to: "I am requesting an order of ejectment on Joseph Cook". *See, Plaintiff's Complaint Dated August 19, 2013.*

The Defendant, Mr. Joseph Cook, asserts in his answer/counterclaim on the Land Dispute Complaint Form filed with the Court that, "Wrongfully evicted from lot #496A, the respondent is claiming title to the property in dispute which the family has title to". *See, Defendant's Answer August 21, 2013.*

Like the Plaintiff's complaint there is no SRMT Use and Occupancy Deed included in the submission made by the Defendant to the Court. The Defendant also makes a request in the answer/land dispute complaint form: "We would like this matter stayed until the outcome of the

land tribunal”. *Id.* There is nothing in the record indicating if any matter has been filed with the SRMT Land Dispute Tribunal.

Finally, the Court notes that the Plaintiff, Ms. Ann Cook, is represented by legal counsel, and the Defendant, Mr. Joseph Cook is a pro se litigant. The Court has recognized in prior cases that some latitude be afforded to Pro Se litigants in SRMT Court proceedings. *See, White v White 10-LND-00009 at page 37; Oakes v Oakes 11-LND-00008 at page 1.*

Plaintiff's Arguments

The Plaintiff's original motion for summary judgment claims that she is the legal owner of the property in dispute as evidenced by the following statement taken from Plaintiff's original complaint, "I came to own this land when my husband passed away and the tribe issued me a deed to this property". *See, Plaintiff's Complaint Dated August 19, 2013.* Plaintiff's counsel further argues that the Defendant, Mr. Joseph Cook, "is in default with respect to filing a responsive pleading to Plaintiff's complaint". *See, Attorney's Affidavit (4) Dated October 24, 2013.* Counsel for Plaintiff claims that more than twenty days have elapsed with no answer from the Defendant, Mr. Joseph Cook, which is not in compliance with SRMT procedural law. *See, SRMT Rules of Civil Procedure Section XI [Rule 8] (A).* Plaintiff's counsel argues that the 'Land Dispute Complaint Form' is not an answer in the proper form and also is not in conformity with SRMT procedural law. *See, Plaintiff's Attorney's Affidavit at 5.*

Next, Counsel for the Plaintiff asserts that the Defendant's answer was not served upon the Plaintiff within the time required by SRMT rules of civil procedure. *See SRMT Rules of Civil*

Procedure XI (A). What is lacking in the record is a proof of service by the Defendant that he properly served the answer on the Plaintiff or Plaintiff's Counsel. However, it should be noted that in the administrative record maintained by the Court, Plaintiff's counsel received a copy of the Defendant's answer on September 18, 2013. This was followed by the Court receiving a Notice of Appearance by Counsel on behalf of Plaintiff. This is the 'answer' upon which the plaintiff has made a part of her motion papers for summary judgment. Therefore, in regard to Plaintiff's argument that the Defendant's answer was not served in a timely manner, the Court finds that the Defendant's submission had been provided to Plaintiff's Counsel. This assertion is supported by the administrative record of the Court, which shows that Counsel for Plaintiff received the Defendant's answer on September 18, 2013, while the Court received Counsel's notice of appearance on September 20, 2013.³

Next, the Plaintiff argues that the Defendant's answer is not sufficient for the Court to consider as an 'answer'. While the Defendant's answer in this instance is unorthodox, this does not mean that it precludes the document from being considered an answer by the Court. *See, SRMT Section XI [Rule 8] (A) (B)*. As outlined by SRMT law, the Defendant was clearly within the SRMT Rules of Civil Procedure when he did provide an answer "in writing" to the Court. In fact, while the Plaintiff argues that the answer is not in the proper form, SRMT law only requires that: "Within twenty (20) days after a defendant receives a copy of a civil complaint and summons, he or she must answer the complaint in writing". *See, SRMT Rules of Civil Procedure XI [Rule 8] (A)*. Here, the Defendant has provided a written answer. Furthermore, there are no other requirements under SRMT Law as to the content or form. The Defendant's actions, although not within normal legal practice, are in conformity with this provision of SRMT Law.

³ In all land dispute matters filed with the SRMT Court it has been standard operating practice of the SRMT Court to provide both parties and their attorney's if they are represented, with the contents of the file

SRMT Rules of Civil Procedure also provide that the Defendant may raise a complaint/counterclaim as a defense and may do so in an answer. *See, SRMT Rules of Civil Procedure XI [Rule 8] (B)*. The Court finds that the Defendant's answer submitted on a Land Dispute Complaint Form, while acknowledged as being unconventional, is not only acceptable as an answer but that the Defendant has provided sufficient information to identify that a counter claim is being made against the Plaintiff. Here the Defendant has alleged that the land is not the Plaintiff's but rather the "property in dispute" is titled to his "family".

As we have recognized the Defendant's response as an answer with counterclaim, we will also note that it would be the rare instance for the Court to render a judgment based upon just an untimely answer. Should an 'answer' be late, the far better remedy is to permit the Plaintiff proper time to respond to any late 'answer' provided by the Defendant. We note this because as we have recognized in our land dispute cases there is no further appeal once SRMT Court has decided a land dispute matter. *See, SRMT Land Dispute Resolution Ordinance XV (D)*. Furthermore, SRMT law is very clear with respect to Default Judgments, and that they are not to be 'lightly' rendered. *See, SRMT Rules of Civil Procedure Section XIII [Rule 10] (B)*. Therefore, a late answer should also not be grounds to render a final 'un-appealable' judgment particularly where other remedies exist.

The Court must now address the relief requested by the Plaintiff and the authority of the Court to execute that request under SRMT law. First, the authority of the SRMT Court to eject and/or evict a person is not specifically provided for under any SRMT Law. *See, SRMT Judiciary Code Section VI (1) (2) (3)*. Under SRMT Law though, the SRMT Court: "may enforce its judgments using methods and procedures commonly recognized for such enforcement

provided for in United States Courts”. *See, SRMT Civil Code VII (B)*.⁴ In addition, and as we have recognized in other cases, SRMT Law contains a choice of law provision which permits parties to cases before SRMT Court to request that the SRMT Court apply laws from another jurisdiction. *See, SRMT Civil Code Section V (A)*. This could clearly include a request for the relief requested in the case at bar.

Eviction or ejectment is often viewed as an equitable power of a Court, and is most often only employed following the rendering of a judgment or decision. Most often, an eviction request are instances when a successful litigant is seeking to ‘enforce’ the judgment by being able to enjoy property through the Court assisted removal of a person or thing from the property. In the case at bar, it appears that this is what the Plaintiff is requesting.

Under SRMT law the Court has the judicial power to decide on motions made by any of the parties in a case before it. *See, SRMT Civil Code Section VI (D)*. In the matter at bar the relief requested by Plaintiff’s Counsel is the eviction of the Defendant from the property in dispute as follows: “Wherefore, Plaintiff respectfully requests that the instant motion be in all respects granted and that the Defendant be removed from the property as ordered by the Court”. *See, Attorney’s Affidavit Dated October 24, 2013*. The Court must note in this occurrence however, that the ‘application of law’ from another jurisdiction was not requested by the Plaintiff in any of her papers. In the case at bar the Plaintiff is requesting that SRMT Court use its equitable powers to evict the Defendant. As we provide in this decision, since we deny the Plaintiff’s summary judgment motion, we must also deny the Plaintiff’s request for the SRMT Court to evict the Defendant as there is no judgment or decision which to make such an order upon.

⁴ Wherefore, it appears that the appropriate mechanism under SRMT Law is for a movant to request the SRMT Court to utilize certain authorities as provided for under the SRMT Court.

Summary Judgment Motions in SRMT Court

SRMT Court must note that a motion for 'summary judgment' is not specifically included in SRMT law. As provided above, the Court may apply the laws of another jurisdiction if a party in a matter before it does in fact request it. *See, SRMT Civil Code Section V (A)*. Though we have already held that the Plaintiff did not make this request to utilize another jurisdiction's summary judgment provision and standard (*See, SRMT Civil Code Section V*) the Court will outline what standard it would follow if that request had been properly made.

First, in the absence of certain civil procedure laws or rules the SRMT Court may apply the Federal Rules of Civil Procedure. *See, SRMT Civil Code VI (A)*. In the Federal Rules for Civil Procedure a 'summary judgment' may be made by the Court if the "movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law". *See, Federal Rules of Civil Procedure Title VII Rule 56*. In such instances it is incumbent upon the litigant to make such request. In the matter at bar, no such request was made by either Plaintiff or Defendant.

A litigant in a case before the SRMT Court can also request the Court to apply the laws of New York State with respect to summary judgment motions. *See SRMT Civil Code Sec. V(B)*. Under New York State Law the standard for summary judgment provides that: "if...upon all the papers and proof submitted, the cause of action or defense shall be established sufficiently to warrant the court as a matter of law in directing judgment in favor of any party", the Court may issue a summary judgment. *See NYCPLR §3212(b)*. This means that the moving party must demonstrate that there is no genuine material issue of fact that has to be resolved at trial. There is one additional factor to consider here though, as provided in the SRMT Civil Code:

“B. Principles of New York State law for resolving private civil disputes are not automatically applied in Mohawk Courts.” *See SRMT Civil Code Sec. V (B.)*⁵

These are the Federal and New York State standards for motions of summary judgment. We would be remiss if we did not again note that it is the responsibility of the party or their Counsel to request that SRMT Court applies those laws and standards when a ‘Motion for Summary Judgment’ is being made, as it is the party’s litigation to control and not the Courts. Perhaps more importantly, such request has to be made so that all parties are notified as to which laws the requesting Party is asking the SRMT Court to apply. This not only notifies the responding party which laws may be at issue, but also gives them an opportunity to respond to the opposing party and to make their own request to SRMT Court to apply a certain law.⁶ Furthermore, as provided in the SRMT Civil Code a finding must be made by the SRMT Court prior to even considering the application of New York Law, as that Law is NOT to be ‘automatically applied’ in SRMT Court. In the case at bar no request of ‘applicable law’ has been made by either party.

Finally, in the case at bar we again note that there is a meager record in which to rely upon when deciding either party’s requests. This includes the Plaintiff’s motion for summary judgment and the Defendant’s request for a stay. Most fatal though is that the current record is devoid of any proof of ownership other than an assertion made in moving papers. *See, Plaintiff’s Complaint Dated August 19, 2013; Defendant’s Answer Dated August 21, 2013.* This failure to

⁵ There is also associated with this section a finding to be made by the SRMT Court prior to applying NY Law.

⁶ We further note that at any time the SRMT is free to legislate and put into place a ‘summary judgment’ provision into SRMT Civil procedure law. This would not mean that all choice of law questions would be neatly resolved as such conflicts could very easily continue. There is after all abundant law school classes on ‘Conflict of laws’ and ‘Choice of Laws’ curricula. But such action would give all parties the opportunity to make such motions under the internal laws of the SRMT without having to resort to the laws of another jurisdiction as currently provided for in SRMT Laws.

provide an SRMT Use and Occupancy Deed is not only fatal to Plaintiff's motion for Summary Judgment and request for eviction, but is also fatal to Defendant's motion with respect to staying the matter pending a Land Dispute Tribunal action that the Court has no proof even exists or existed. In fact, the only record before the Court appears to indicate that there is a 'land dispute' between the parties over some un-identified parcel of land.

Wherefore, the failure to identify and provide to each party the applicable law being requested to be applied in the case at bar, as well as the failure to provide any proof of ownership to an un-identified parcel of property, requires us to turn down both the Plaintiff's and Defendant's requests for relief.

Defendant's Arguments

The Defendant, Mr. Joseph Cook also appears to be claiming ownership of a parcel of land which may be in dispute: "Respondent is claiming title to the property in dispute which the family has title to". *See*, Defendant's Answer August 21, 2013. Like the Plaintiff's assertion of ownership that is not supported by any uncontroverted facts before the Court, the Defendant's allegation that he is the owner of the parcel of land is also not supported by anything in the record before the Court. Therefore, just as failure to provide a SRMT Use and Occupancy Deed is fatal to the Plaintiff's argument, so to it is for the Defendant's request.

Proper Forum

Based upon the foregoing, we must also address the very unique posture that the case at bar presents. As is clear, there is a genuine dispute between the Plaintiff and the Defendant with respect to a piece of land on the SRMIR. This is easily discernible from the submissions made by both parties to the Court.

As we have held in other cases the LDRO provides for two avenues to resolve land disputes. The Land Dispute Tribunal and appeal to SRMT Tribal Court following an SRMT Council decision. *See, SRMT LDRO VII (A) XV (B) (C)*. In each of these ‘avenues’ the Court has different evidentiary standards to rely upon. Tribunal decisions can be reviewed based upon the record⁷ developed at the Tribunal, and review of Tribal Council decisions is subject to the development of a record necessary to render a decision by the SRMT Court. *See, SRMT LDRO XV (C) (2)*.

In the case at bar, the Plaintiff alleges that she received the parcel of property via “the tribe issued me a deed to this property”, *See Plaintiff’s Original Complaint Dated August 19, 2013*, and therefore, the SRMT Court should employ its equitable powers to evict the Defendant from this parcel.⁸ In the Pro Se Defendant’s written submission which we have found to be an answer/counterclaim under the SRMT Rules of Civil Procedure Law, he alleges that: “The Respondent is claiming title to the property in dispute, which the family has title to.” *See, Defendant’s Answer Dated August 21, 2013*. Should both the Plaintiff and the Defendant be addressing the same parcel of land, and again on the current record before as we have no way of knowing, the submissions made by the parties raises the interesting issue of what is the appropriate forum to have that issue addressed under SRMT Law.

If the Plaintiff’s assertion that she received the parcel via the St. Regis Mohawk Tribe is true, that would seem to indicate that this is a Tribal Council decision as provided for in the LDRO, and therefore should come directly to the SRMT Court. The interesting aspect is that for the Plaintiff she received a ‘positive’ determination in her favor from the SRMT Council, so she

⁷ Black’s Law Dictionary defines the term record as: “A documentary account of past events, designed to memorialize those events.”

⁸ Again, with no Use and Occupancy Deed there is no way for the Court to determine if we are in fact concerned with the same parcel.

has no reason to seek any redress from the SRMT Land Dispute Tribunal or SRMT Court under the SRMT LDRO!

The Defendant on the other hand, puts in his submission to the Court that: "The Respondent is claiming title to the property in dispute which the family has title to", *See, Defendant's Land Dispute Complaint Form Dated August 21, 2013*. This would seem to indicate that this case should go to the SRMT Land Dispute Tribunal as provided for under the SRMT LDRO. Under the SRMT LDRO the Defendant would have to file his land ownership claim with the SRMT Land Dispute Tribunal as provided for in the LDRO. Then, if the Defendant was not satisfied with their decision, he could then appeal that decision to SRMT Court. *See SRMT LDRO XV (B)*. In those cases the SRMT Court would have the opportunity to "review the appeal based upon the record developed before the Tribunal". *See, SRMT LDRO XV (B) (2)*. This ignores the current situation though as the Defendant is in fact responding to an action started by the Plaintiff to remove him from property which he claims 'his family' owns. He has done so through an 'answer' which contains this cross-claim and which is permitted under SRMT Law. *See SRMT Rules of Civil Procedure Sec. XI [Rule 8] (A)(B)*

As is clear, the case at bar does not fall squarely within the SRMT LDRO. So let us begin by again providing that the SRMT LDRO was passed by a referendum vote and under its stated purpose was to "provide a fair and equitable procedure for resolving land disputes within the St. Regis Mohawk Tribe's jurisdiction". *See SRMT LDRO III*. The LDRO does this by the establishment of a Land Dispute Tribunal, appeals of SRMT Council decisions to SRMT Court, and a provision declaring that all SRMT Court decisions are final, meaning there is no further appeal to any other body. *See, SRMT LDRO XV (D)*.

Next, we must also recognize that a Use and Occupancy Deed issued by the SRMT is provided for in the SRMT Land Dispute Resolution Ordinance (Hereinafter SRMT LDRO), and with it the SRMT has statutorily prescribed a general presumption of their validity in any land dispute proceedings. *See, SRMT LDRO (V) (F)*. Again though, neither Plaintiff nor Defendant has submitted any SRMT Use and Occupancy Deed into the record before the Court.

It must also be noted that under the SRMT LDRO there is a ten (10) year window in which a person may appeal a Tribal Council decision. *See SRMT LDRO Sec. XV (C)*. In a prior decision, *White v White 10-LND-00009 at pg 53*, we recognized that it is entirely possible under the LDRO that the ten(10) year time frame for appealing an SRMT Council decision provided for under the SRMT LDRO could effectively, and repeatedly, be triggered. This activation could also occur through no action taken by a party to a land dispute. As we indicated in *White v White*, should the SRMT Council continue to render decisions in land dispute matters, this would effectively toll the ten year limitation contained in the LDRO. *See, SRMT LDRO XV (C) (1)*. As we recognized, such action could work to the detriment of a person to a land dispute. Whereas, those persons who can file directly with the SRMT Land Dispute Tribunal would always be permitted to have an opportunity to submit evidence, prepare documents and make presentations/arguments to the Land Dispute Tribunal. Contrary to this opportunity to develop a record would be those persons which were appealing an SRMT decision. These persons would be denied the open opportunity to develop a record if the ten (10) year limit provided in the SRMT LDRO were to be rigidly applied to their case. In *White v White* we did not give the SRMT LDRO such a reading. Therefore, if there were a dismissal in the case at bar without a decision on the merits under the SRMT LDRO, this matter could simply arise again if there were, or is, a subsequent SRMT Council decision or decisions.

As we have indicated, and as is clear, the matter before the Court does not fit squarely within the SRMT LDRO. Whereas, the Plaintiff is seeking to have the Defendant 'Judicially' removed from property which she alleges she owns via a Tribal Council decision, and the Defendant is alleging that he owns the property and is making such claim as part of an 'answer/counter-claim' to litigation initiated by the Plaintiff. It perhaps would be convenient to simply dismiss this matter due to the failure to properly plead the case, or due to insufficient evidence, or even for improper forum. Such a result would only simply serve to 'lock' both parties into further dispute and acrimony. This prediction is supported by the recent action of the Plaintiff to request a withdrawal of her complaint via an unsigned document submitted to the Court. It must be noted that when a counter claim has been made by a respondent, it is not solely a plaintiff's choice to withdraw their case and end the litigation. As provided for in the SRMT Civil Procedure Law: "...a defendant may file a complaint/counterclaim against plaintiff, following the same rules which apply to complaints." *See Sec. XI [Rule 8]* In this decision we have recognized the defendant's written response as an answer with a counterclaim, therefore the Defendant now gets to proceed upon this as he has filed a complaint itself. *Id.*

It must also be noted that in the unsigned submission made by the Plaintiff withdrawing her motion for summary judgment, it is alleged that the Plaintiff, Ann Cook has been appointed administrator in this matter as evidenced by this declaration: "I am the legal spouse of Frank M. Cook, deceased, and have been appointed by the St. Regis Mohawk Tribe to act as Administrator to his estate. This appointment was made on August 20, 2013." *See, Administrator's Affidavit.* This has been followed by the Defendant contacting the SRMT Court Clerk to indicate that: "we want the Court to make a decision so we aren't removed from the property." *Case file noting SRMT Court Clerk's notes of November 21, 2013.*

Nevertheless, and in light of the foregoing, the Court will retain this matter as a civil case based upon the Defendant's counter claim. Although the matter will clearly include the apparent issue of ownership of land somewhere on the St. Regis Indian Reservation, this will be far better than to subject the parties to a contentious unresolved land dispute. This is particularly true when, as we have described herein, the matter does not fall squarely within the SRMT LDRO.

Conclusion

The Court acknowledges that the matter at bar is a sensitive one with implications that weigh heavily on the Plaintiff, Ms. Ann Cook, and the Defendant, Mr. Joseph Cook.

Based upon the record before the Court, neither party has shown sufficient evidence to claim ownership of the land in discussion. Under SRMT law the burden of proof falls onto the party who initiates a Court proceeding. *See*, SRMT Rules of Civil Procedure Section XX [Rule 17] (A). In this instance the Court does not find that the Plaintiff meets this requirement, likewise the Court finds that the Defendant has not met the standard for proof of ownership of the land either.

In responding to Plaintiff's motion for summary judgment the Court after closely considering the arguments in that motion finds that the request was not properly made and that there is insufficient proof of ownership. In addition, the Court finds that the Defendant's answer, although unorthodox, was sufficient under SRMT Law and that the answer raises a counterclaim against the Plaintiff.

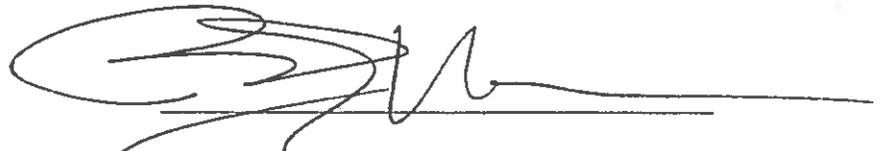
The Plaintiff submission to withdraw the motion for summary judgment is noted in the record before the Court, and the Court acknowledges that a notice to withdraw a motion is not uncommon. However, we must note that there was no proof of service that this request was served upon the Defendant, and that one of the affidavits in the notice to withdraw was unsigned

by the Plaintiff and was not notarized. Clearly, there appears to be a 'live' dispute between the parties, and as indicated, the Defendant has made a counterclaim against the Plaintiff.

Although the matter does not fit squarely within the SRMT LDRO it is clear that some forum needs to resolve the dispute between Ms. Ann Cook and Mr. Joseph Cook.

Wherefore, this matter will be scheduled for a status hearing to be scheduled on the 26 day of February, 2014 at 10 AM, so that matters relating to Mr. Joseph Cook's counterclaim against Ms Ann Cook can be addressed and the scheduling of a trial on the merits of such claim, if necessary, may be scheduled.

Signed by my hand, this the 5th day of February, 2014.



Peter J. Herne,
Chief Judge SRMT